

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 248 - HB 410

February 4, 2013

**SUMMARY OF BILL:** Requires a defendant's unlawful presence in the United States and the likelihood of flight to avoid removal, deportation, exclusion or any other immigration proceeding to be considered when determining the amount of a defendant's bail.

**ESTIMATED FISCAL IMPACT:**

**Increase Local Expenditures – Exceeds \$90,000/Permissive**

Assumptions:

- Increasing bail under a presumption of flight risk will result in additional local government expenditures to house offenders in local jails for greater periods of time.
- The precise number of offenders arrested who are determined to be unlawfully present in the United States and unable to make bail at a higher rate that would otherwise be able to make bail under current law cannot be determined.
- The amount of bail established is determined by discretion of the magistrate.
- Any increase to the amount of bail established as a result of the magistrate giving additional consideration to flight risk, is expected to result in a permissive increase in local government expenditures.
- Based on information provided by the Comptroller of the Treasury, it is estimated that a minimum of 10 offenders will remain in custody each year awaiting trial for an average of six additional months (or 180 days) at a cost of \$50 per day as a result of this bill.
- The permissive increase in local government expenditures is estimated to exceed \$90,000 (minimum 10 offenders x 180 days x \$50) per year.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise".

Lucian D. Geise, Executive Director

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